

REMARKS/ARGUMENTS

By action taken here, Applicant in no way intends to surrender any range of equivalents beyond that needed to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves all such equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art.

I. In the Specification

The Examiner has objected to the title of the invention in that it conflicts with the claimed invention. Specifically, the Examiner stated that,

"The title of the invention uses the term "heterogeneous protocols" which requires dissimilar or diverse protocols. To the contrary, the claims clearly indicate that the protocols may be the same."

The Examiner's argument with regard to the amended title is believed obviated by the amendments herein set forth. If the title remains objectionable, the Examiner is respectfully requested to contact Applicants' attorney to work out acceptable language.

II. Amendment to the Claims

The amendment to the claims involves only striking language and therefore necessarily finds support in the Applicants' specification. Moreover, the "SUMMARY OF THE INVENTION" recites "The present invention provides a system for facilitating speech recognition and transcription among users employing heterogeneous or disparate entity system protocols." The claims now reflect this.

III. The Cited Prior Art

The recitation of difficulties in the prior art, which are resolved by Applicants' invention, is exemplified by the Cilurzo, et al. reference. This reference is a prime example of the prior art to which Applicants refer in their specification. As set forth below in detail, Cilurzo, et al. is solely an ASP which allows utilization of Internet interface (link) between otherwise homogeneous systems. Specifically, Cilurzo, et al. discloses speech recognition software in combination with application specific software on a communication's network wherein voice data from connected users having homogeneous protocol are transmitted to the application software residing on a central server in a linear fashion.

As discussed, the Cilurzo, et al. merely takes a PC speech and transcription system and moves it to a server. Specifically, Cilurzo, et al. states,

"As opposed to the costs involved in the obtaining and maintaining of a computer system with general purpose software, the initial cost and upkeep of specific application software can be prohibitive to the small business entrepreneur, often requiring an initial investment of more than

10 times the cost of the previously mentioned hardware and its bundled general purpose software. Services for maintaining the specific application software can be equally expensive and service may not be immediately available.”

“Because of the expense, many small businesses forego the use of excellent available application specific software and develop their own application specific software. This home based software usually is not as good or reliable as the marketed products. Besides being saddled with inferior software such a small user must devote a significant amount of time and energy to the development and upkeep of the user developed software.” (col. 1 lines 22-40)

It is clear that the motivation is cost. To solve this problem, Cilurzo, et al. merely moves the larger engine to a server and provides a link and passwords to identify user folders. All the interfaces stay the same.

This is an obvious ASP system as clearly set forth in the related art of Applicants’ specification. Applicants specifically refer to a Cilurzo, et al. type system, in stating,

“Networked application service providers (ASPs) would appear to be the most efficient way to utilize sophisticated speech recognition and transcription engines for large-scale users, especially in the professions. The networked system would comprise an application service provider that could interconnect application software to high accuracy central speech recognition and transcription engines.” (Emphases added)

However, Applicants go on to point out the problem with Cilurzo, et al.

“A barrier to implementation of such centralized systems, however, is that most businesses operate using their own internal "business" and /or system protocol, which include in many cases unique communications and application protocols. These protocols are unique to an entities system or organization, and are not universal in application. These systems are sometimes referred to as "legacy systems" and are very difficult to alter because they are the heart of the internal workings of a business, a computer system, or a hardware interface. For most network users, it is too costly, both in terms of equipment costs and disruptions in electronic communications, to replace a legacy system with a uniform "business" or system protocol merely to support network applications for speech recognition and transcription. Thus, most network systems are unavailable to legacy system users. “It would therefore be advantageous to seamlessly interface network application software and enable powerful speech recognition/ transcription engines to interface with legacy systems.” (paragraph 0011)

Likewise, Tanenbaum discloses prior art network architecture. On page 12 he says,

“The set of layers and protocols is called the **network architecture**. The specification of the architecture must contain enough information to allow

an implementer to write the program for each layer so that the program will correctly obey the appropriate protocol. Neither the details of the implementation nor the specification of the interfaces are part of the architecture. In fact, it is not even necessary that the interfaces on all machines in a network be the same, provided that each machine can correctly use all the protocols.”

This is the legacy problem overcome by Applicants as Applicants’ attorney set out in the interview. Specifically, in Applicants’ specification this problem is described in the Related Art section.

“Legacy network users must also train employees to operate on a network where the operational commands and language used to communicate with another user can be unique for each user on the network, i.e., one user must, to some extent, understand another users internal entity system protocol. This can make even simple requests to another network user; say for a particular record form generated by transcription, a complex and time-consuming task. Thus, a large amount of skill and testing are needed to establish direct communications between the legacy or business system protocols of two different users. Therefore, a new user is forced to find ways to adapt its legacy system to the other legacy systems on the network, in order to interact with other network users’ records and to transcribe seamlessly from one user to another. This is an expensive process both in terms of time and money....” (Paragraph 0012)

The Rejection

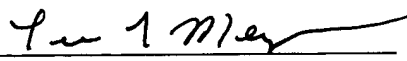
The Examiner again rejected Claims 1-17 under 35 U.S.C. § 103 as being unpatentable over Cilurzo, et al. (6,434,526). As pointed out during the interview, Cilurzo, et al. simply matches a protocol from a client system to an appropriate server that can handle that protocol. This is exactly what the instant claimed invention was designed to eliminate. The Examiner was in accord. Everything Cilurzo, et al. refers to is very application specific and requires a matching protocol. The rejection actually refers to this.

Conclusion

Applicants by this amendment have overcome the rejection. It is believed that the application is now in condition for allowance. Entry of the amendment and early and favorable action is solicited.

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Substance of interview between David Knepper (for PTO) and Lee G. Meyer (Reg No. 27,216)

Discussed prior art of record Cilurzo as applied to claims of record and Tanenbaum (cited but not applied).

Agreed that removing language from the claim indicating that the protocols may be "the same" would overcome the prior art applied (Cilurzo).
Discussed other options including a focus on language in claim 8 and incorporating ASA functions for detecting and converting different protocols into a common protocol.

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